90-1228

Supreme Court, U.S.
FILED
JAN 8 1991
JOSEPH F. SPANIOL, JR.
CLERK

CASE NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1990

LAURA L. PHELPS,
Petitioner,

v.

GRANT MATTHEWS A/K/A LESLIE A. JOHNSON *and* THE CHAFFEE COUNTY COLORADO STATE DISTRICT COURT THE HONORABLE O. EDWARD SCHLATTER Presiding,
Respondents.

"Petition For Writ Of Certiorari"
To: The Colorado Supreme Court

PETITION FOR WRIT OF CERTIORARI

Laura L. Phelps, Pro Se
1450 South Broadway
Denver, Colorado

1. With and from Petition herein and on this page, questions so presented, a COURT OF WRITTEN RECORD is sought. Does This Honorable Supreme Court have the authority, to assign the Petitioner herein, a Court Of and for Written Record?

2. A State District Court, State Court Of Appeals, and State Supreme Court denied and refused Petitioner (a defendant) a: Court Of Written Record, substantially affecting Petitioner's: status, property, and rights. Strong contradicting and countervailing facts present that make the Chaffee County State District Court's: acts, Order(s), and desire to litigate a case, possibly nonexistent, moot, and in excess of discretion.

3. Petitioner is not provided with opportunity to obtain divorce from my two common law marriage(s), (not to Leslie A. Johnson), and annulment I now have to seek as a result of the State District Court Order Dated September 1, 1989.

4. A State District Court's emissive prejudicial attitude reflected on and by the Record on file, said being from June 3, 1986 and over a period of two years eleven months and twenty five days, alleged prejudicial ruling made nunc pro tunc therefrom. (i)

5. State District Court allowing Petitioner's Attorney to withdraw, entering ruling One months and Twenty Five days, after the allowance of withdrawal.

6. A court ordering matter tried by express and implied consent, after revoking Petitioner's court of Written Record, over Petitioner's objection(s). Petitioner is not only defending status, property and rights, but is presumably a Officer of The Court attempting to secure a judgement for the United States and secure proof that would sustain Leslie A. Johnson litigating a claim (proof lacking to litigate).

7. Do you need a divorce from a common law marriage?

8. Do you need a divorce from a common law marriage that bore no children that had no joint property, that the State has no interest in, on or for the basis of: morality and the institution of marriage?

9. Do women have a right to: hold and contract for property, earn money, and do business solely and sue anyone, irrespective of marriage status?

10. Alleged violation of due process and equal protection of the laws, threatened and not afforded Petitioner, by: "state action". (ii)

LIST OF PARTIES TO PROCEEDING

The following are parties and Respondent(s) to the proceeding and could not be listed in the caption, for limited space, additional Respondent(s) are listed as follows:

The Colorado Supreme Court, Chief Justice The Honorable Luis D. Rovira, The Honorable William H. Erickson, The Honorable Joseph R. Quinn, The Honorable George E. Lohr, The Honorable Howard M. Kirshbaum, The Honorable Mary J. Mullarkey; presiding EN BANC; The Honorable Anthony Vollack (not participating EN BANC a: nominal respondent)

Respondents,

The Colorado Court Of Appeals, The Honorable Dale P. Tursi, The Honorable Peter H. Ney, The Honorable Frank N. Dubofsky a: panel presiding; The Honorable Jose D. L. Marquez, The Honorable Janet Burnett Davidson, The Honorable Edwin G. Ruland a: secondary panel presiding

Respondents,

The Colorado State Attorney General

Nominal Respondent.

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LIST OF AUTHORITIES-NO FOOTNOTES USED

NO SIMILAR CASES PERTAINING TO THE CASE AT BAR

CASES RELATING TO GOAL: FEDERAL JURISDICTION AND REVIEW OVER STATE PROCEEDINGS

RELEVANT TO GOAL: FEDERAL AUTHORITIES

Michigan v. Long
463 U.S.1032

Brinkerhoff-Faris Trust & Sav. Co. v. Hill
281 U.S. 673

Cox Broadcasting Corp. v. Cohn
420 U.S. 469

Radio Station WOW v. Johnson
326 U.S. 120

CHRONOLOGICAL REFERENCE LIST TO ORDERS DELIVERED BY OTHER COURTS:

FROM: THE CHAFFEE COUNTY STATE OF COLORADO DISTRICT COURT/CASE NO. 86DR69

6/7/88 Notice of dismissal (no activity of record for over a year)

3/30/89 Order permitting withdrawal of respondent's Attorney

5/11/89 denying continuance of hearing set, (no hearing held as set)

5/23/90 Order: Nunc Pro Tunc May 11, 1989 in re: ex parte application by: Mr. Pete Cordova

ORDER DATED: SEPTEMBER 1, 1989, Nunc Pro Tunc May 25, 1989 (appendix)

ORDER DATED: DECEMBER 21, 1989 (appendix)

ORDER DATED: MARCH 19, 1990 (appendix)

FROM: THE COLORADO COURT OF APPEALS/
CASE NO. 90CA0596

ORDER 4/24/90 denying Motion to Stay *without prejudice*, "must first be brought in the trial court"

(impractical: Chaffee County District Court Order Dated March 19, 1990, in express words states: "is ordered to file no more motions or documents of any type with this court in this case"

ORDER 4/24/90 denying relief from Motion For Relief from: Chaffee County District Court Order Dated March 19, 1990 included on Appeal in re: Supervisory Control. "application must first be brought in trial court"

ORDER 4/25/90 denying supervisory control, in procuring transcripts; request made to the trial court for transmittal, no response received. "It is the duty of appellant to obtain and transmit record. C.A.R. 10."

(See Order Dated March 19, 1990: "Any motions or documents which are received from respondent pro se will

be treated as waste and discarded in the trash."

ORDER TO SHOW CAUSE 5/3/90 "Ordered that appellant shall show cause, if she has, in writing on or before May 23, 1990"

(appendix)

ORDER OF DISMISSAL 5/21/90 :ORDERED that this appeal is dismissed without prejudice.

(appellant's ANSWER TO THE ORDER TO SHOW CAUSE timely filed on: May 23, 1990)

ORDER 5/25/90 denying: appellant's Motion to vacate: Order Issued By The Appellate Court May 21, 1990. From: Motion filed: May 23, 1990.

ORDER 5/31/90 denying: Motion For Supervisory Control, filed by appellant May 21, 1990

ORDER 5/31/90 denying: appellant's Motion To Amend Or Vacate The Appellate Order Of Dismissal. From: Motion filed May 30 1990

ORDER 5/31/90 with Mandate to be stayed to: June 25, 1990

(appendix)

ORDER 6/6/90 denying: appellant's Motion For Declaration Of Invalidity

ORDER 6/6/90 denying PETITION FOR REHEARING, filed June 4, 1990

7/6/90 denying appellant's Motion For Extension Of Time To Procure And Lodge Transcripts, With Alternative Prayer For Statement Of Proceedings And Evidence If The Transcripts Are Not Obtainable filed: 6/22/90, "No order necessary."

7/6/90 denying appellant's Motion To Officially Designate The Deposition Of Appellee Taken On August 1, 1986, Filed And Sealed On September 8, 1986, Part Of The Record As Evidence, filed: 6/22/90, "No order necessary."

FROM: THE COLORADO SUPREME COURT/
CASE NO. 90SA275

ORDER 6/25/90 denying ORIGINAL-

JURISDICTION and MOTION FOR DECLARATION OF INVALIDITY, filed; June 22, 1990

(appendix)

FROM: THE COLORADO COURT OF APPEALS/CASE NO. 90CA0596

MANDATE 10/15/90 dismissing appeal of (3) three Chaffee County State District Court ORDER(S)

NOTED AND FILED 10/25/90 Petition For Rehearing to the Colorado Court Of Appeals "No action necessary, Mandate issued 10/15/90. Marquez, Davidson, Ruland JJ."

ORDER 10/30/90 denying Motion For Precept Regarding 10/22/90 Petition For Rehearing; And Amenity Precept of: Stay Of Mandate filed: October 29, 1990. "No action necessary Mandate was issued 10/15/90 this court no longer has jurisdiction. Marquez, Davidson, Ruland, JJ."

FROM: THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO/
CASE NO. 90-F-1995

ORDER 11/13/90 denying removal remanding to: The Chaffee County State District Court. PETITION FOR REMOVAL contains a Civil Rights Petition/Complaint therein.

FROM: CHAFFEE COUNTY STATE OF COLORADO DISTRICT COURT/CASE NO. 86DR69

ORDER 11/26/90, regarding testimony in favor of depositions, stating: the court has never issued an such as: the Order Dated March 19, 1990 (appendix)

FROM: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO/ CASE NO. 90-F-1995

ORDER 11/27/90 denying relief from the Order 11/13/90 remanding, prayed for.

FROM: THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT/CASE NO. 90--1368 and/ CASE NO. 90- -1369

ORDER 12/21/90 to; Show Cause

END OF CHRONOLOGICAL LIST OF: RELATED ORDERS.

STATEMENT OF GROUNDS OF JURISDICTION AND ORDER SOUGHT TO BE REVIEWED

Final Judgement rendered by The Colorado Supreme Court affecting: title, rights, privileges,and immunities secured by the United States Constitution of the Petitioner herein.

Title, rights, privileges, and immunities of the Petitioner herein, is and are claimed under The Constitution and Statutes Of The United States.

JUDGEMENT SOUGHT TO BE REVIEWED:

Colorado Supreme Court ORDER dated and entered October 9, 1990.

DATE OF ORDER RESPECTING REHEARING Petition For Rehearing to The Colorado Supreme Court, Certiorari to the Colorado Supreme Court, filed October 15, 1990.

Ordered STRICKEN, by: ORDER entered October 15, 1990.

STATUTE BELIEVED TO CONFER JURISDICTION FOR REVIEW:

U.S.C.A. Title 28 sec. 1257.

IN RE:

U.S.C.A. Title 42 sec. 1983; U.S.C.A. Title 42 sec. 1982; U.S.C.A. Title 42 sec. 1986; relating therewith U.S.C.A. Title 42 sec. 2000h-2; U.S.C.A. Title 28 sec. 1331; U.S.C.A. Title 28 sec. 1343; U.S.C.A. Title 28 sec. 1441; U.S.C.A. Title 28 sec. 1446; U.S.C.A. Title 28 sec. 1443 (1) and (2); U.S.C.A. Title 28 sec.1340 and coextensive U.S.C.A. Title 28 1442 possibly therewith.

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED IN THE CASE, VERBATIM:

The United States Constitution Amendment I (one): "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances."

The United States Constitution Amendment XIV (fourteenth), Section 1.: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Section 5. "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

U.S.C.A. Title 28 sec. 1257 State Courts; certiorari

(a) Final judgements or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty of statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

U.S.C.A. Title 42 sec. 1983
Civil action for deprivation of rights

Every person who, under, color of any statute, ordinance, regulation, custom, or usage, of any State of Territory of the District of Columbia, subjects, or causes to be subjected, any citizen of the United

States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for the redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

U.S.C.A. Title 42 sec. 1982
Property rights of a citizen

All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

DISTRICT COURT JURIDICTIONAL STATUTES FOR FEDERAL OR DISTRICT OF COLUMBIA JURISDICTION

U.S.C.A. Title 28 sec. 1331
Federal question; amount in controversy;

costs

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

U.S.C.A. Title 28 sec. 1340
Internal revenue; customs duties

The district courts shall have original jurisdiction of any civil action arising under any Act of Congress providing for internal revenue, or revenue form imports or tonnage except matters within the jurisdiction of the Court of International Trade.

U.S.C.A. Title 28 sec. 1343
(a)(3),(4);(b)(1)(2):
Civil rights and elective franchise

(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(3) To redress the deprivation,

under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of The United States of by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

(b) For purposes of this section-

(1) the District of Columbia shall be considered to be a State; and

(2) any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

U.S.C.A. Title 28 sec. 1441 (a),(b),(c)
Actions removable generally

(a) Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States

have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

(b) Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removed without regard to the citizenship or residence of the parties. Any other such action shall be removable only if non of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.

(c) Whenever a separate and independent claim or cause of action, which would be removable if sued upon alone, is joined with one or more otherwise non-removable claims or causes of action, the entire case may be removed and the district court may determine all issues therein, or, in its discretion, may remand all matters not otherwise within its original jurisdiction.

U.S.C.A. Title 28 sec. 1442 (a)(1)
Federal officers sued or prosecuted

(a) A civil action or criminal prosecution commences in a State court against any of the following persons may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) Any officer of the United States or any agency thereof, or person acting under him, or for any act under color of such office or on account of any right, title or authority claimed under any Act of Congress for the apprehension or punishment of criminals or the collection of the revenue.

U.S.C.A. Title 28 sec. 1443

Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) Against any person who is denied

or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;

(2) For any act under color of authority derived form any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law.

COLORADO REVISED STATUTES TITLE 14
ARTICLE 2.
DOMESTIC MATTERS
MARRIAGE AND THE RIGHTS OF MARRIED WOMEN

C.R.S. 14-2-111 Putative spouse.

Any person who has cohabited with another to whom he is not legally married in good faith belief that he was married to that person is a putative spouse until knowledge of the fact that he is not legally married terminated his status and prevents acquisition of further rights. Children born putative spouses are legitimate. A putative spouse acquires the rights conferred upon a legal spouse, including the right to maintain following termination of his status, whether or not

the marriage is prohibited under section 14-2-110, declared invalid, or otherwise terminated by court action. If there is a legal spouse or other putative spouses, rights acquired by a putative spouse do not supersede the rights of the legal spouse or those acquired by other putative spoused, but the court shall apportion property, maintenance, and support rights among the claimants as appropriate in the circumstances and the interests of justice.

C.R.S. 14-2-201. Married woman's own property

The property, real and personal, which any woman in this state owns at the time of her marriage, and the rents, issues, profits, and proceeds thereof, and any real, personal, or mixed property which comes to her by descent, devise, or bequest, or the gift of any person except her husband, including presents or gifts from her husband, such as jewelry, silver, tableware, watches, money, and wearing apparel, shall remain her sole and separate property, notwithstanding her marriage, and shall not be subject to the disposal of her husband or liable for his

debts.

C.R.S. 14-2-202. Married women may sue and be sued.

Any women, while married, may sue and be sued, in all matters having relation to her property, person, or reputation, in the same manner as if she were sole.

C.R.S. 14-2-203. Rights in her separate business.

Any married woman may carry on any trade or business and perform any labor or services on her sole and separate account, and the earnings of any married woman from her trade, business, labor, or services shall be her sole and separate property and may be used and invested by her in her own name. Her property acquired by trade, business, and services and the proceeds thereof may be taken on any execution against her.

C.R.S. 14-2-204. Not to affect marriage settlements.

Nothing in sections 14-2-201 to 14-2-206 shall invalidate any marriage settlement or contract.

C.R.S. 14-2-205. Wife's land subject to judgment.

When any woman against whom liability exists marries and has or acquires lands, judgment on such liability may be rendered against her and her husband jointly, to be levied on such lands only.

C.R.S. 14-2-206. Husband cannot convey wife's lands.

The separate deed of the husband shall convey no interest in the wife's lands.

C.R.S. 14-2-207. Wife may convey lands as if sole.

Any woman, while married, may bargain, sell, and convey her real and personal property and enter into any contract in reference to the same as if she were sole.

C.R.S. 14-2-08. Wife may contract.

Any woman, while married, may contract debts in her own name and upon her own credit, and may execute promissory notes, bonds, bills of exchange, and other instruments in writing, and may enter into any contract the same as if she were sole;

and, in all cases where any suit or other legal proceedings are instituted against her and any judgement, decree, or order therein is rendered or pronounced against her, the same may be enforced by execution or other process against her the same as if she were sole.

C.R.S. 13-20-201 Legislative declaration; 13-20-202 Civil causes abolished; 13-20-203 Breach of Contract to marry not actionable; 14-10-111 Declaration of invalidity.
and U.S.C.A. Title 42 sec. 1986 (Appendix)

END CONSTITUTIONAL AND STATUTES, VERBATIM
(Refer to: Appendix for additional, excluded here)

STATEMENT OF CASE

Petitioner has: no Written Court Of Written Record, in with which to submit document(s) for defense, integral to defense, or document(s) representative of facts.

Petitioner has been barred from: may not file "no" "document of any type with this court in this case", "no" "documents" "of any kind" in the Chaffee County State Of Colorado District Court.

Both: the Colorado Court Of Appeals and The Colorado Supreme Court have upheld this act of the Chaffee County State District Court.

The case itself at inception in the court of the first instance was an: alleged marriage, not a solemnized marriage, which was: found "to have existed" in the past tense words therein the ORDER DATED SEPTEMBER 1, 1989 in the past tense.

The marriage upheld, by the Chaffee County State District Court, The Colorado Court Of Appeals, and The Colorado Supreme Court, lacks mutuality, has been forced on Petitioner herein, and from the date alleged Petitioner was: a minor.

Petitioner denied the allegation of a

marriage, and has attempted to secure fund(s) by: Bond(s) being posted by: the allegator of marriage, since nothing is known in a clear and factual manner about the same.

The Chaffee County State District Court has expressed clearly, partiality towards the Grant Matthews a/k/a Leslie A. Johnson (Leslie A. Johnson a/k/a Grant Matthews a/k/a Grant Matthew a/k/a Grant Mathew) and partiality against the Petitioner herein, in that:

(a) the Chaffee County State District Court intends to take my the (Petitioner herein) property and award a contract to: Leslie A. Johnson who is not a party to the contract;

(b) or prima facie entitled to: any property of Petitioner's (mine) by: State Law, facts, Petitioner's right to own property regardless of sex or marital status and right to sue anyone, or otherwise;

this and these (a) and (b) and

(c) denial of Petitioner's motion(s) for bond(s) to be posted and motion(s) regarding Leslie A. Johnson's income and assets (Chaffee County State

District Court ORDER DATED DECEMBER 21, 1989), to which the The Chaffee County State District Court refuses to account for, an act contrary to State Law regarding the Domestic Matter of divorce in Colorado Revised Statutes; is and are presumably done under the "color of law" Colorado Revised Statute 14-2-111.

Colorado Revised statute 14-2-111, a putative spouse Statute, is both: unconstitutional and does not afford equal protection of law implied by The Constitution Of The United States Fourteenth Amendment.

Petitioner after being denied relief in Colorado State Courts: The Colorado Court Of Appeals and The Colorado Supreme Court, removed the case of the Chaffee County State District Court and civil rights complaint to Federal Court and is now appealing the ORDER remanding dated November 13, 1990 and has preserved appeal to The United States District Of Columbia District Of Columbia Court Of Appeals. Petitioner additionally has a Petitioned the United States Tenth Circuit Court Of Appeals for a Court Of Written Record.

Petitioner has timely sought by:

PETITION FOR DECREE OF INVALIDITY to have the: alleged marriage found "to have existed", found in the past tense that was done ambiguously with no dates being set thereon the finding, annulled on numerous grounds in accordance with State Law.

Petitioner herein has sought annulment in a different court in a different county than the court and/or the county of the Chaffee Chaffee County State District Court. A SUMMONS has been issued and PETITION FOR DECREE OF INVALIDITY was filed December 12, 1990.

Petitioner has also sought divorce from another party, that being another party other than the party in the first instance alleging in the Chaffee County State District Court, from: a De Facto marriage under Colorado Revised Statute 14-2-111.

In Petitioner's action for annulment another De Facto marriage Petitioner recognizes, although a different type of De Facto marriage (both recognized De Facto marriages recognized by Petitioner De Facto est de jure), is a possibility.

The Petitioner not having a Court of Written Record, the Chaffee County State District Court's partiality and determination to ignore these relevant

facts any judgement rendered is apparent erroneous without consideration thereof; nor consideration to the fact that the party alleging marriage in the Chaffee County State District Court, has: of and on Record, a previous impediment of marriage.

The divorce, attempting to be litigated in the The Chaffee County State Of Colorado District Court from a alleged marriage, is from: a void marriage.

The Petitioner is unable to enforce her rights or have any documentary defense in the Chaffee County State District Court, The Colorado Court Of Appeals or The Colorado Supreme Court regarding the matter in the of the parties of the court the Chaffee County State District Court instance.

The Federal Court(s) have a propriety interest in the case and jurisdiction under U.S.C.A. Title 28 sec. 1340, as apparently the: Grant Matthews a/k/a Leslie A. Johnson etc. has not reported income tax and possibly with all facts and void marriage from the allegation, willfully failed to file income tax.

The Colorado State Court(s) give no regard to the aforesaid in proceeding

paragraph and Petitioner has been proceeding "under the color of authority" to or presumably as an Officer Of The Court, since Petitioner is pro se, to: secure a judgement for The United States.

Petitioner has alleged discrimination in and by the Colorado State Court(s) as a "suspect class" and refuses and has objected to taking or awarding her: the Petitioner's property and or contract for real property which she does not own yet, from a questionable allegation of marriage. Contradictory and countervailing facts present against the said questionable allegation of marriage and to which said Petitioner's property and contract there is a common law lien against by: Petitioner's sole obligee.

Petitioner is going to lose property as the Chaffee County State District Court has the Order Dated March 19, 1990 for the same sets forth on page Three (3)(B); Four (4)(c).

which denial of due process and equal protection of the laws is set forth in; without any (no) consideration given or predicted as forthcoming in the Chaffee County State District Court, The Colorado Court Of Appeals, or The Colorado Supreme

Court for Petitioner in regard to property: Debt thereon thereof, debt serviced thereon therefor, and the debt subsequently incurred by Petitioner since the-filing of the action alleging a marriage in the Chaffee County State District Court.

The taking of Petitioner's property is "State action", presumably under the "color of State law" (said to "State Law" be unconstitutional), without due process and equal protection of the laws afforded Petitioner in a Colorado State Court by: ordering Petitioner not to file "no" documents or materials of any kind with this court in this case" Page five (1) (March 19, 1990 ORDER) "any motions or documents which are received from respondent" (Laura L. Phelps)"pro se will be treated as waste and discarded in the trash." Page three (A) (March 19, 1990 ORDER) so ordered by the Chaffee County State district Court in the ORDER DATED MARCH 19, 1990 from the same.

Petitioner has sought the United States District Court For The District Of Columbia as Petitioner's Written Court Of Written Record.

Because of the countervailing facts, De

Facto marriage(s), previous impediment of marriage of the Leslie A. Johnson a/k/a(s) etc., there is an absence of state law and a Federal propriety interest, to which in all fairness to afford equal protection and due process to Petitioner herein which Petitioner is entitled to: "Courts of the District of Columbia are open to citizens of each of the states". Id U.S.C.A. Title 28 sec. 1292 (35)

The District Of Columbia District Court, is the only court where Federal Propriety interest and a fair resolution of the matters pending in the Chaffee County State District Court can be resolved.

Petitioner's then Attorney requested an additional retainer, the Chaffee County State District Court ambiguously made the finding " to have existed" (made in the past tense) one months and twenty five days after: Petitioner's Attorney's withdrawal, at a "Status Conference" two years and eleven months and twenty five days after PETITION FOR DISSOLUTION 86DR69 alleging a marriage was filed; and entered an ambiguous finding Nunc Pro Tunc three years and two months and one day later Nunc Pro Tunc September 1, 1989 (an

official copy not received until September 21, 1989, thereof).

STATEMENT OF CASE IN REGARD TO: COLORADO COURT OF APPEALS AND COLORADO SUPREME COURT

Petitioner sought an: appeal and Supervisory Control in Appeal on April 4, 1990, addressed to either The Colorado Court Of Appeals or The Colorado Supreme Court. The Appeal was accepted and a NOTICE OF FILING OF NOTICE OF APPEAL was issued April 24, 1990 by The Colorado Court Of Appeals.

Supervisory control was sought from the Chaffee County State District Court ORDER DATED MARCH 19, 1990, the contents thereof are forbidding of Petitioner being able to file a Motion for relief therefrom the ORDER DATED MARCH 19, 1990.

The Chaffee County State District Court ORDER DATED MARCH 19, 1990 denies Petitioner herein, due process and equal protection of the laws, the same was included on Appeal filed April 4, 1990, along with appeal of the Chaffee County State District Court ORDER DATED SEPTEMBER

1, 1989 and the ORDER DATED DECEMBER 21, 1989 addressed to The Colorado Court Of Appeals or The Colorado Supreme Court.

Petitioner requested by Motion that The Colorado Court Of Appeals be: Petitioner's Laura L. Phelps' COURT OF RECORD, by Motion on April 27, 1990 (with the same Motion is combined a Motion for relief and termination of the action (case 86DR69) in The Chaffee County State District Court), the Motion is still pending.

Petitioner filed a MOTION FOR WRIT OF SUPERVISORY CONTROL May 21, 1990 The Colorado Court Of appeals denied the same May 31, 1990.

An ORDER TO SHOW CAUSE was issued by The Colorado Court Of Appeals on May 2, 1990, that allowed Petitioner until May 23, 1990 to: show cause.

Petitioner's Appeal was dismissed prior to the time The Colorado Court Of Appeals allowed Petitioner to show cause, on: May 21, 1990.

Petitioner's response to the ORDER TO SHOW CAUSE was timely and was filed May 23, 1990.

Petitioner sought to have the ORDER dismissing Petitioner's APPEAL vacated by two Motion(s), one filed on May 23, 1990

that dismissal was a clerical mistake (denied: May 25, 1990) the second filed May 30, 1990 (denied: May 31, 1990).

The Colorado Court Of Appeals issued an ORDER on May 31, 1990, directed Petitioner herein, the MANDATE be stayed if Petitioner herein sought CERTIORARI by Petition to The Colorado Supreme Court by: June 25, 1990, Petitioner sought CERTIORARI by PETITION FOR WRIT OF CERTIORARI to The Colorado Supreme Court, on: June 25, 1990.

Petitioner herein sought Original Jurisdiction to The Colorado Supreme Court by: PETITION FOR ORIGINAL JURISDICTION on: June 22, 1990. The Colorado Supreme Court denied Original Jurisdiction on: June 25, 1990 En Banc.

Petitioner motioned for: Declaration Of Invalidity in The Colorado Court Of Appeals on June 4, 1990, The Colorado Court Of Appeals denied the the same June 6, 1990.

Petitioner motioned The Colorado Supreme Court for Declaration Of Invalidity on June 22, 1990, the same was denied on: June 25, 1990.

FEDERAL QUESTION(S) RAISED

Petitioner raised Federal Question regarding Women's rights in a document that was additionally read into the record at a "Status Conference" on: May 25, 1989, in The Chaffee County State District Court, prior to a Nunc Pro Tunc decision being made (said made two years and eleven months and twenty five days after Grant Matthews a/k/a Leslie A. Johnson's PETITION FOR DISSOLUTION was filed) the Nunc Pro Tunc ORDER DATED SEPTEMBER 1, 1989 was issued therefrom containing the decision made thereat "a common-law marriage to have existed".

Petitioner raised the initial question of due process in a document filed May 25, 1989, that only a portion thereof was allowed to be read into the record, this being read by Petitioner before a decision at the "Status Conference" conducted on May 25, 1989 that the ORDER DATED SEPTEMBER 1, 1989 was born from.

Federal Question, due process and equal protection of the laws, Women's rights, Women's right to own property right to contract and right to sue, and right to seek invalidity of a marriage (a marriage)

found in the past tense by a court (that lacks mutuality), was raised in Petitioner's herein, NOTICE OF APPEAL addressed to The Colorado Court Of Appeals or The Colorado Supreme Court filed April 4, 1990. NOTICE OF/and APPEAL dismissed by The Colorado Court Of Appeals May 21, 1990.

Petitioner's MOTION TO AMEND THE ORDER DATED MARCH 19, 1990 with BRIEF and AFFIDAVIT, made to the Colorado Court Of Appeals April 4, 1990, *denied with out prejudice* April 24, 1990, "application must first be brought in the trial court" (quote from the Register Of Actions).

Petitioner is barred from filing "no" "documents of any kind" whatsoever in the trial court The Chaffee County State District Court, so done in and by the ORDER DATED MARCH 19, 1990, henceforth application impractical to the same,and due process and equal protection of the laws denied therefrom therein.

Petitioner's MOTION TO STAY THE LOWER TRIBUNAL COURT: FROM PROCEEDINGS AND ORDERS with BRIEF, made to the Colorado Court Of Appeals and denied with out prejudice April 24, 1990 "application

must first be brought in the trial court" (quote from the register of actions).

Again both impossible and impractical, Petitioner filing a document with the Chaffee County State District Court would result in punishment, punishment in violation of due process and equal protection of the law, henceforth:

Petitioner's MOTION TO STAY THE PROCEEDINGS OF THE CHAFFEE COUNTY DISTRICT COURT FROM THE SAME'S ORDER(S) with BRIEF and AFFIDAVIT, filed April 27, 1990 (was filed and presumably still pending).

The Register Of Actions of The Colorado Court Of Appeals CASE NO. 90CA0596, refers to: see Order dated May 25, 1990, the Order dated May 25, 1990 is a Order denying Petitioner's MOTION TO VACATE: ORDER ISSUED BY THE APPELLATE COURT ON MAY 21, 1990 (dismissing appeal) a Motion presuming a clerical mistake made under Colorado Rules Of Civil Procedure 60(a), the Order dated May 25, 1990 denies the Motion in rubber stamp "Tursi, J., Ney, J., Dubofsky, J.".

Petitioner's MOTION FOR WRIT OF SUPERVISORY CONTROL, filed May 21, 1989

denied May 31, 1989 "No action necessary" quote from Register Of Action and rubber stamp on face of Motion returned, with "Tursi, J., Ney, J., Dubofsky, J." thereon.

The Chaffee County State District Court being the court to revoke due process, not afford due process, and deny and revoke equal protection of the laws from Petitioner, from the Chaffee County State District Court's acts and in writing in the Chaffee county State District Court ORDER DATED MARCH 19, 1989, The Colorado Court Of Appeals ignoring the Federal Rights and relief sought by Petitioner. The ORDER DATED MARCH 19, 1989 is extreme, had it not been issued, no matter would have been or come before: The Colorado Court Of Appeals.

Petitioner's PETITION FOR REHEARING to The Colorado Court Of Appeals filed June 4, 1990, denied June 6, 1990 "Tursi, J., Ney, J., Dubofsky, J." Petitioner's MOTION FOR DECLARATION OF INVALIDITY filed June 4, 1990, denied June 6, 1990 "Tursi, J., Ney, J., Dubofsky, J.".

Petitioner filed on a Friday June 22, 1990 a: PETITION FOR ORIGINAL JURISDICTION

to: The Colorado Supreme Court and a MOTION FOR DECLARATION OF INVALIDITY, both were denied by The Court En Banc on a Monday June 25, 1990, CASE NO. 90SA275. Federal Question presented therein therewith, with proper parties served, including The Honorable Judge Tursi, The Honorable Judge Ney, and The Honorable Judge Dubofsky.

Petitioner filed an advisory MOTION FOR CERTIFICATION OF QUESTIONS OF LAW to: The Colorado Supreme Court on June 27, 1990 before receipt of ORDER denying Original Jurisdiction, issued via United States Mail, the same was STRICKEN under CASE NO. 90SC389 on: July 12, 1990.

Petitioner filed PETITION FOR WRIT OF CERTIORARI to: The Colorado Supreme Court, on June 25, 1990, to which Federal Questions, violation of due process and equal protection of the laws, women's rights, women's right to own property, contract and sue, are raised therein thereat, Petitioner's PETITION FOR WRIT OF CERTIORARI to: The Colorado Supreme Court was denied October 9, 1990 by: The Court En Banc "JUSTICE VOLLACK does not participate".

Petitioner filed a PETITION FOR REHEARING to The Colorado Supreme Court on October 15, 1990, the same was STRICKEN by ORDER on October 15, 1990.

Petitioner filed a PETITION FOR REHEARING: REVIEW TO THE COLORADO COURT OF APPEALS with the Colorado Court Of Appeals on October 22, 1990. The cover page thereof returned neither granted or denied "October 25, 1990 Noted and filed. No action necessary. Mandate issued October 15, 1990. Marquez, Davidson, Ruland, J. J." and under rehearing stamp "See order dated 10-25-90".

Petitioner filed a MOTION TO STAY THE DISTRICT COURT PROCEEDINGS in The Colorado Supreme Court on October 17, 1990, the same was denied in an ORDER dated October 18, 1990.

Petitioner filed a document in re: certification of questions of law, questions concerning State review and intention to seek further review (relief), to: The Colorado Court Of Appeals on October 15, 1990 (no order issued regarding however the MANDATE was issued on October 15, 1990), the quote from the Register Of Actions is: "NOTED af - 10/24/90". Petitioner sought by Motion

an amenity precept regarding 10/22/90 Petition For Rehearing and a Stay Of The Mandate in The Colorado Court Of Appeals on: October 29, 1990, Denied October 30, 1990.

Petitioner filed Notice to the Colorado State Attorney General on November 2, 1990 with The Colorado Supreme Court, regarding Colorado Revised Statute 14-2-111, in re: 14-2-111, is unconstitutionally vague and does not afford equal protection of the laws that The Fourteenth Amendment to The United States Constitution imputes.

ARGUMENT AMPLIFYING, FOR ALLOWANCE OF THE WRIT

Petitioner's Motion(s) to STAY The Chaffee County State District Court, have either been denied or passed on in every court. Petitioner is unable to file: "no" "document of any kind" (quote from The Chaffee County State District Court ORDER DATED MARCH 19, 1990) whatsoever in or with The Chaffee County State District Court.

It being doubtful that with the: countervailing facts of previous and subsequent marriages, that: a marriage can be sustained, to: proceed to a divorce from.

Petitioner's right to seek annulment, in any event irrespective so as not to waive the right, upon the grounds presented therein filed on: December 12, 1990. Filed in a different court than the Chaffee County State District Court, which additionally for the time at present alleviates the element of Domestic matter, from the case of the parties in the first instance brought in the Chaffee County State District Court by: Grant Matthews a/k/a Leslie A. Johnson.

Coverture is an archaic state of being

and status for women, across the Country, The State Of Colorado itself having both Constitutional and Statutory rights for: women *e.g. married.*

An action from: a county court Chaffee County County Court, that Petitioner herein brought against the: Grant Matthews a/k/a Leslie A. Johnson, was consolidated into the Chaffee County State District Court CASE NO. 86DR69. The county court action CASE NO. 86C112 was under Five Thousand Dollars ($5,000.00) at inception and at the time 86C112 was consolidated, allowed to be consolidated by The Chaffee County State District Court The Honorable O. Edward Schlatter presiding, in the allowance of consolidation Petitioner herein was denied: the right to sue irrespective of marital status.

The Chaffee County County Court CASE NO. 86C112, now exceeds Ten Thousand Dollars and Petitioner has been denied access to those funds sought by suit, that are in fact needed by the Petitioner and that are due to Petitioner.

The Colorado Court Of Appeals and The Colorado Supreme Court have upheld that that revokes: Petitioner's right to sue anyone.

The Chaffee County State District Court, The Colorado Court Of Appeals, and The Colorado Supreme Court have forced a marriage on Petitioner herein, without the presence of mutuality, a: "State Action".

In and by forcing a marriage on Petitioner herein, the State Court(s) have violated Petitioner's right(s), to liberty (liberties) and the pursuit of happiness.

The Chaffee County State District Court has denied Petitioner Laura L. Phelps, due process and equal protection of the laws, in express words, (a United States District Court has also, Petitioner is appealing to The United States Court Of Appeals For The Tenth Circuit; and has a PETITION FOR A COURT OF WRITTEN RECORD pending therein therewith).

The Chaffee County State District Court has and is intimidated/ing Petitioner and harassing Petitioner beyond the Code Of Judicial partiality, to: take property tangible and intangible without substantive or substantial proof or discovery, over a De Facto marriage of Respondent Grant Matthews a/k/a Leslie A. Johnson on Record in the Chaffee County State District Court. The taking of property is supported by the Colorado

Court Of Appeals and The Colorado Supreme Court, to which has lead to an allegation of discrimination, an allegation of discrimination of and against Petitioner.

Petitioner's right to privacy has been invaded and right to free speech, for: no State Interest.

The finding of a common law marriage would be to sustain morality and legitimize children, which clearly is not the purpose of this suit: Chaffee County State District Court CASE NO. 86DR69.

Petitioner has no children of any kind and does want to marry by: LICENSE and bear and raise children. The theory behind the State Interest and the suit (CASE NO. 86DR69) is lacking.

Petitioner has and is unable to marry by LICENSE, as a result of: the Chaffee County State District Court, the Grant Matthews a/k/a Leslie A. Johnson, and the Mr. Pete Cordova, Esq. counsel thereof Grant Matthews a/k/a Leslie A. Johnson.

Petitioner is ordered to, try matter without due process and equal protection of the laws, in the Chaffee County State District Court. Petitioner is ordered to try extraneous matter presumably by express and implied consent, from a not

well complaint objected to, over (Petitioner herein) affirmative defense(s), and over Petitioner's objection(s) to trying extraneous matter, this ordering Petitioner is contrary to Colorado Rules Of Civil Procedure Rule 8 (and Rule 15), to which the Colorado Rules Of Civil Procedure are fashioned after the F.R.C.P..

Petitioner is ordered to try a: matter, without due process and equal protection of the laws, that is frivolous on face.

With the question of: is a divorce necessary from a common law marriage, that bore no issue and that there is no "joint" property, as a result?

If indeed the Grant Matthews a/k/a Leslie A. Johnson had a claim or still does of any kind, concise pleading and suit should have and could have been implemented, as: anyone may sue anyone regardless of marital status.

Petitioner has been denied a Court Of Written Record and denied the right to: sue.

The case at bar, presented herein is brought to This Honorable Court for: A WRITTEN COURT OF WRITTEN RECORD.

The results of continued litigation

affect every woman and Her rights, to: own property, to contract, and to sue, regardless of marital status and to be free from discrimination from The State Court to which of which residence lies, to: enforce the same rights.

SECONDARILY FEDERAL PROPRIETY INTEREST:

Secondarily there is a Federal Propriety interest in and at the case at bar, that possibly the Federal Court(s) are responsible, to: address. As if: Petitioner had a Written Court Of Written Record, Petitioner is confident in showing:

(a) The alleged marriage never took place and never was ratified as alleged and found.

(b) That Grant Matthews a/k/a Leslie A. Johnson (Leslie A. Johnson a/k/a Grant Matthews a/k/a Grant Matthew a/k/a Grant Mathew) has a previous De Facto marriage, of which divorce can be had nunc pro tunc, on, from, and by the presumption of death.

(c) Petitioner upon knowledge of the various types of De Facto marriage(s), can establish De Facto marriage(s) of Herself (Petitioner herein), with other parties that consume the time alleged of marriage alleged in the: Chaffee County State

District Court.

(d) That is is possible if the Grant Matthews a/k/a Leslie A. Johnson has not been paying or reporting income taxes, like any other citizen Petitioner included, that: by alleging marriage is how the Grant Matthews a/k/a Leslie A. Johnson escapes prosecution for: willful failure to file income tax.

Petitioner can make a firm prediction to This Honorable Court or any court, if the Chaffee County State District Court is allowed to proceed in: violation, ignorance, and at the expense of Petitioner's rights, the matter of the Grant Matthews a/k/a Leslie A. Johnson's tax status will go unaddressed and the antics of the case at bar repeated.

The case at bar having been brought by the Grant Matthews a/k/a Leslie A. Johnson, the antics to predicted to be repeated thereof, as there are several states that do recognize common law marriage.

Quite simply here the case at bar being the topic and subject of grave abuse, that has been litigated without substantial proof or discovery, and now without due process of law or equal protection of the

laws either one, being afforded to the Petitioner who is a citizen of: Colorado and The United States and is not incarcerated.

END

APPENDIX FOLLOWS

CERTIFICATE OF SERVICE

I do hereby swear that on this 6TH day of January 1991, that I mailed a true copy: this herein Petition For Writ Of Certiorari United States "Overnight Express Mail" and "Special Delivery" mail postage prepaid, with an additional forty copies and a separate appendix bound herewith.

AND

I do hereby swear that I served a copy of this bound Petition For Writ of Certiorari with Appendix bound therewith this 6TH day of January 1991, to all parties named, the: Respondent(s) and Nominal Respondent(s) on the cover and listed separately herewith herein, United States mail first class postage prepaid thereon as named.

1/6/1991

Laura L. Phelps
1450 S. Broadway
Denver, CO 80210
(303) 744-3623

CASE NO._____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1990

LAURA L. PHELPS,
Petitioner,

v.

GRANT MATTHEWS A/K/A LESLIE A. JOHNSON *and* THE CHAFFEE COUNTY COLORADO STATE DISTRICT COURT THE HONORABLE O. EDWARD SCHLATTER Presiding,
Respondents.

"Petition For Writ Of Certiorari"
To: The Colorado Supreme Court

APPENDIX TO:
PETITION FOR WRIT OF CERTIORARI

Appendix

ORDER(S) OF THE COLORADO SUPREME COURT

SUPREME COURT, STATE OF COLORADO
Case No. 90SC389
Certiorari to the Colorado Court of Appeals 90CA0596
Chaffee County District Court 86DR69

ORDER OF THE COURT

LAURA L. PHELPS,
Petitioner,
v.
GRANT MATTHEWS a/k/a LESLIE A. JOHNSON,
and THE CHAFFEE COUNTY DISTRICT COURT,
Respondents.

Upon consideration of the Petition for Writ of Certiorari to the Colorado Court of Appeals, and after review of the record, the briefs, and the opinion of said Court of Appeals,

IT IS THIS DAY ORDERED that said

Petition for writ of Certiorari shall be, and the same hereby is, DENIED.

BY THE COURT, EN BANC, OCTOBER 9, 1990.
JUSTICE VOLLACK does not participate.

cc: James G. Benway, Clerk
Colorado Court of Appeals

Laura L. Phelps
1450 South Broadway
Denver, CO 80210

Pete Cordova
345 East First Street
Salida, CO 81201

Honorable O. Edward Schlatter
Chaffee County District Court
Chaffee County Courthouse
132 Crestone
P.O. Box 279
Salida, CO 81201

SUPREME COURT, STATE OF COLORADO
CASE NO. 90SC389
CERTIORARI TO THE COLORADO COURT OF APPEALS, #90CA0596

ORDER OF COURT

LAURA L. PHELPS,

Petitioner,

v.

GRANT MATTHEWS a/k/a LESLIE A. JOHNSON and THE CHAFFEE COUNTY DISTRICT COURT,

Respondents

Upon consideration of the Petition of Rehearing, Certiorari to the Supreme Court filed in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that said Petition for Rehearing shall be, and the same hereby is, STRICKEN, C.A.R. 54(b).

BY THE COURT, OCTOBER 15, 1990.

cc:

James Benway
Clerk, Court of Appeals

Laura L. Phelps
1450 S. Broadway
Denver, CO 80210

Pete Cordova
345 East First Street
Salida, CO 81201

Honorable O. Edward Schlatter
Chaffee County District Court
Chaffee County Courthouse
132 Crestone
P.O. Box 279
Salida, CO 81201

SUPREME COURT, STATE OF COLORADO
CASE NO. 90SC389
CERTIORARI TO THE COLORADO COURT OF APPEALS, #90CA0596

ORDER OF COURT

LAURA L. PHELPS,

Petitioner,

v.

GRANT MATTHEWS a/k/a LESLIE A. JOHNSON and THE CHAFFEE COUNTY DISTRICT COURT,

Respondents.

Upon consideration of the Petitioner's Motion to Stay the District Court Proceedings filed in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that said Petitioner's Motion shall be, and the same hereby is, DENIED.

BY THE COURT, OCTOBER 18, 1990.

cc:

James Benway
Clerk, Court of Appeals

Laura L. Phelps
1450 S. Broadway
Denver, CO 80210

Pete Cordova
345 East First Street
Salida, CO 81201

Honorable O. Edward Schlatter
Chaffee County District Court
Chaffee County Courthouse
132 Crestone
P.O. Box 279
Salida, CO 81201

SUPREME COURT, STATE OF COLORADO
CASE NO. 90SC389
CERTIORARI TO THE COLORADO COURT OF APPEALS, #90CA0596

ORDER OF COURT

LAURA L. PHELPS,

Petitioner,

v.

GRANT MATTHEWS a/k/a/ LESLIE A. JOHNSON and THE CHAFFEE COUNTY DISTRICT COURT,

Respondents,

Upon consideration of the Petitioner's Motion to Affirm or Deny Certiorari, to the Supreme Court, Pursuant to Docket Fee Paid and Petition 90SC389 Filed June 25, 1990, by Petitioner, Rule 50 (a) (2) and or (3) filed in the above cause, and now being sufficiently advised in the premised,

IT IS THIS DAY ORDERED that said Petitioner's Motion shall be, and the same hereby is, STRICKEN.

BY THE COURT, OCTOBER 22, 1990.

cc:

James Benway
Clerk, Court of Appeals

Laura L. Phelps
1450 S. Broadway
Denver, CO 80210

Pete Cordova
345 East First Street
Salida, CO 81201

Honorable O. Edward Schlatter
Chaffee County District Court
Chaffee County Courthouse
132 Crestone
P.O. Box 279
Salida, CO 81201

SUPREME COURT, STATE OF COLORADO
CASE NO. 90SC389
CERTIORARI TO THE COLORADO COURT OF APPEALS, #90CA0596

ORDER OF COURT

LAURA L. PHELPS,

Petitioner,

v.

GRANT MATTHEWS a/k/a LESLIE A. JOHNSON and THE CHAFFEE COUNTY DISTRICT COURT,

Respondents.

Upon consideration of the Petitioner's Motion for Colorado Supreme Court ORDER Opinion to be Defined and for Supplemental Written Opinion filed in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that the Phelps' Petition for Writ of Certiorari

was Denied on October 9, 1990. The request to provide reasons for the denial is, Denied.

BY THE COURT, OCTOBER 25, 1990.

cc:

James Benway
Clerk, Court of Appeals

Laura L. Phelps
1450 S. Broadway
Denver, CO 80210

Pete Cordova
345 East First Street
Salida, CO 81201

Honorable O. Edward Schlatter
Chaffee County District Court
Chaffee County Courthouse
132 Crestone
P.O. Box 279
Salida, CO 81201

Appendix: End, Colorado Supreme Court Orders

DISTRICT COURT, COUNTY OF CHAFFEE, STATE OF COLORADO

Case No. 86 DR 69

ORDER

In Re The Marriage Of:

GRANT MATHEW, a/k/a
LESLIE A. JOHNSON, Petitioner,

and

LAURA PHELPS, Respondent.

THIS MATTER having come before the Court for determination on the existence of a common-law marriage. The Petitioner appeared personally together with his attorney Pete Cordova, the Respondent appeared personally together with her then attorney of record Robert Maes. The Court considered the numerous witnesses who testified, the testimony of the parties,

the handwriting analyses of Rand Hendrickson, the arguments of counsel and otherwise being fully advised on the premised finds that the evidence establishes that the parties held themselves out to be husband and wife and accordingly the Court finds a common-lae marriage to have existed between the parties.

DONE AND SIGNED THIS_____ DAY OF SEPTEMBER, 1989
May 25, 1989

BY THE COURT:

_____
O. Edward Schlatter
District Court Judge

The following certificate of service is in dispute. A signed copy, had to be requested, and was not issued until September 21, 1989.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on

the 1st day of September, 1989, a true and correct copy of the foregoing was hand delivered/deposited in the U.S. Mail, with first class postage prepaid, addressed as follows:

Laura Phelps	Pete Cordova, Esq.
1450 S. Boradway	Bill C. Berger, Esq.
Denver, CO 80210	345 East First Street
	Salida, CO 81201

DISTRICT COURT, COUNT OF CHAFFEE, STATE OF COLORADO

Case No. 86DR69

ORDER

IN RE: The Marriage of:

GRANT MATHEW, a/k/a/
LESLIE A. JOHNSON, Petitioner,

and

LAURA PHELPS, Respondent.

THIS MATTER came before the Court this 18th day of December, 1989, the Petitioner appeared personally together with his attorney, Pete Cordova, the Respondent appeared personally but without counsel; The matter came before the Court on numerous Motions filed by Ms. Phelps, relative to those Motions the Court enters the following Orders:

1. Respondent's Motion for Change of Venue is hereby denied.

2. With respect to Respondents various Motions to Compel Discovery, said Motions are hereby denied and the parties are directed to set up mutual Deposition whereby Ms. Phelps will be allowed to depose Mr. Mathew on all issues which are relevant or reasonably calculated to lead to relevant evidence, including those matters contained in Respondent's Motions to Compel

3. With respect to Respondent's Motions to Allow Inspection of Petitioner's Tools and Inventory, said

inspection is hereby denied unless Respondent is also willing to allow inspection of the tools and inventory in her possession, arrangements should be made by Respondent through Petitioner's counsel to arrange for a mutual inspection of those items.

4. All requests by Respondent compelling Petitioner to post bonds are hereby denied.

5. With respect to any documents which either party may desire from the other, the parties are directed to submit a list requesting specific documents. Thereupon, said documents shall be produced on the date of the Deposition. If new documents are needed after the Deposition, request shall be made by the party seeking those additional documents on the day of the Deposition and the same will thereupon be provided within ten days after the Deposition.

6. Respondent's request for the Court to compel Mr. Mathew to file income tax returns is hereby denied.

7. Respondent's Motion for protective order is denied and as stated earlier, each party is directed to provide a specific list of documents which they request be provided at the Deposition and further that a Deposition be conducted on January 26, 1990, with Mr. Mathew's Deposition commencing at 1:00 p.m. and Ms. Phelps' Deposition commencing at 3:00 p.m. The Depositions shall be conducted at the Chaffee County Court or some other appropriate room within the Courthouse.

8. Respondent's request that her amended response be converted to a complaint is hereby denied.

9. Each party is directed to provide each other Financial Affidavits on or before January 16, 1990.

10. Upon discovery being conducted on January 26, 1990, the parties shall thereupon set the division of property issues for hearing as soon as practical thereafter.

DONE THIS 21st day of December, 1989. Nunc Pro Tunc December 18, 1989.

BY THE COURT:

signed by typewriter only
O. Edward Schlatter
District Court Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 26th day of December, 1989, a true and correct copy of the foregoing was hand delivered/deposited in the U.S. Mail, with first class postage prepaid, addressed as follows:

Pete Cordova, Esq.
Bill C. Berger, Esq.
345 East First St.
Salida, CO 81201

Laura Phelps
1450 South Broadway
Denver, CO 80210

signature of Cheri Guffy

DISTRICT COURT, CHAFFEE COUNTY, COLORADO

Action No. 86 DR 69

ORDER

In re the Marriage of:

GRANT MATTHEWS, a/k/a LESLIE A. JOHNSON,
Petitioner,

vs.

LAURA PHELPS,
Respondent.

The court has received from Pete Cordova, attorney for petitioner, a package of motions and documents, all file-stamped March 6, 1990. Mr. Cordova's motions are as follows:

1. Motion for Injunction Prohibiting Respondent form Further Pro Se Representation. Attached to this motion

are exhibits which support Mr. Cordova's claim that since the last hearing respondent has filed some 37 motions or documents, and that since the beginning of this case respondent has filed a total of 90 motions or documents.

2. Supplemental Motion for Attorneys Fees. This motion notes that petitioner has one before requested the court to award attorney fees because counsel has been compelled to respond to motions and documents form respondent which are frivolous, vexatious, harassing and without substantial merit. Since the date of filing of that motion, counsel notes, additional attorneys fees have incurred with similar materials.

3. Response to "Respondent's Motion for Protective Order, February 5, 1990."

4. Response to "Respondent's Motion for Sanctions" and Respondent's Brief to: Respondent's Motion for Sanctions."

5. Response to the "Respondent's Objection to: Hearing, that Counsel to

Petitioner Might Request in Regard to; January 1990 and February 1990 Motion Now Pending in the Action."

6. Response to the "Respondent's Motion for Summary Judgement."

7. Response to the "Respondent's Motion as to Method of Ruling and Request for Ruling."

8. Statement of attorney's fees caused by review and response to respondent's latest 37 documents, citing a total of $152.00 in fees.

The court will resolve all of the matters which have been presented to it by Mr. Cordova in approximately the order in which he has filed his motions. The court has not, and will not, read or rule upon all of the documents which have been filed by respondent for the reasons which are explained in the text of this order.

MOTION FOR INJUNCTION: The court agrees with Mr. Cordova, and finds that respondent has literally flooded counsel and the court with a tidal wave of motions

and documents. The vast bulk of these documents are impossible to understand and are nonsensical. If there is any merit in any of respondent's motions and documents, it is difficult, if not impossible, to find any such merit because it requires wading through a huge quantity of documents which do not reflect a mature, intelligent or reasonable understanding of the role which motions play in a lawsuit. Similarly, the vast bulk of the documents which have been filed by respondent are clearly specious and vexatious, and are more reflective of respondent's angry emotions and intentions to harass petitioner than they are reflective of reasonable and true needs for information or action. If in the midst of this wash of paper respondent has any legitimate needs or concerns, it is too burdensome to expect either court or counsel to read through all of the materials to find any gems which may require answer or response.

The court agrees with Mr. Cordova, and finds that respondent, as a party representing herself, is obligated to meet the same standards that are imposed upon attorneys in this state by our laws and

rules. As counsel points out, the cases are clear that a pro se litigant is subject to the same rules and procedures as a practicing attorney. Manka v. Martin, 200 Colo. 260, 614 P. 2d 875 (1980), cert. den. 101 S.Ct. 1354, 450 U.S. 913, 67 L.Ed, 2d 338; Heikes v. Fort Collins Production Credit Association, 169 Colo. 27, 456 P.2d 274 (1969); Viles v. Schofield, 128 Colo. 185, 261 P.2d 148 (1953), cert. den. 74 S.Ct. 311, 346 U.S. 908, 98 L.Ed. 1060; Knapp v. Fleming, 127 Colo. 414, 258 P.2df 489 (1953); and In re the Marriage of Snyder, 701. P.2d 153 (Colo.App. 1985). If the respondent were an attorney, she would be subject to discipline or sanction for the filing of motions or documents which are vexatious and intended to harass. Having considered the motions and documents which have been filed by respondent, the court finds that she is not capable or qualified to act as her own attorney in this matter.

Mr. Cordova has asked the court to enjoin respondent from acting as her own attorney, and has asked the court to order retain counsel. Because respondent stands in the position of being the "defendant"

in this case, the court finds that the sanctions requested by Mr. Cordova are inappropriate and too harsh. Respondent did not initiate this lawsuit, and thereby cause all of the issues and problems to be placed before the court, but, in effect, she was been brought into the matter against her will, by service of process. The court does not believe it would be proper, in these circumstances, to order her to retain an attorney. However, the court does believe that some form of sanctions and restrictions upon respondent are appropriate. The fact that respondent is a pro se defendant should not give her license to file any document, or as many documents, as she pleases. Not only should Mr. Cordova not be required to wade through documents which are, in the main, confusing, absurd or completely without merit, neither should the court. THEREFORE, THE COURT HEREBY ORDERS AS FOLLOWS:

A. Respondent is ordered to file no more motions or documents of any type with this court in this case unless she retains legal counsel, and unless the motions and documents are filed by an attorney

licensed to practice law in the State of Colorado. Any motions or documents which are received from respondent pro se will be treated as waste and discarded in the trash. Counsel for petitioner is hereby authorized to treat respondent's materials in the same manner, and no reply to respondent's materials will be necessary.

B. The court notes its belief that there should be no need whatsoever for respondent to file any further motions or documents with this court, and therefore, if respondent so chooses, there is no absolute necessity for respondent to retain counsel. This is a relatively simple divorce, with relatively few assets: perhaps a building, some tools, some antiques and some claims by respondent that petitioner squandered some of the monies which were received during the marriage. It does not take 90 motions or documents for a party to learn whatever information is desired from the other party.

THE DEPOSITION PROBLEMS: The court has previously ordered that both parties shall submit to simultaneous depositions,

and apparently some difficulties have arisen since the date that order was entered. Respondent filed a motion for protection from deposition, and petitioner, acting upon the belief that under C.R.C.P. Rule 121, section 1-12(1), there was a necessary stay of that particular proceeding, did not appear for the deposition. Since that date, respondent has apparently filed documents arguing that she should not be compelled to submit to depositions, and that only petitioner should be so compelled.

At the previous hearing in this case, the court specifically found that mutual depositions would be the most appropriate means by which both parties could learn the majority of information which was needed in order to be adequately prepared for a hearing on final orders. At any rate, both parties obviously seek to depose the other, and only the intervention of a request for protective order by respondent and respondent's objections to being deposed at all stand in the way of depositions being conducted.

THEREFORE, THE COURT HEREBY ENTERS THE

FOLLOWING ORDER:

A. Both parties are ordered to submit to simultaneous depositions at a date to be agreed upon by Mr. Cordova with respondent, and/or any attorney respondent may hire, and, if agreement cannot be achieved, on a date to be ordered by the court.

B. Because the court has noted a hostile and aggressive attitude on the part of respondent toward petitioner, and because the court also notes that respondent did, in fact, retain an attorney to conduct the deposition of petitioner when previously scheduled, the court now orders that petitioner must retain counsel to conduct the deposition of petitioner. If respondent does not have counsel to conduct the deposition of petitioner on the date the depositions are scheduled, respondent shall forfeit and lose her right to the deposition of petitioner for all time.

C. Respondent has stated on several occasions that she does not believe that she should be required to submit to

depositions. The court has previously rejected that contention, and hereby rejects it again. If Respondent, without good cause, does not submit to deposition on the date the depositions are scheduled, the court will enter orders of sanction and default against respondent, and such orders may include the award of the parties' major physical asset, the property on Sackett Street, to petitioner without further proceedings. If, after imposing such a sanction, the award of the building were to satisfy petitioner's desires with respect to the division of property in this marriage, the court would consider entering final orders on this basis, and ordering the case closed.

RESPONDENT'S MOTIONS FOR ATTORNEY'S FEES: Petitioner has asked for attorney's fees on two occasions. Both of those motions are now granted, and petitioner is awarded as sanctions the amounts which were asked for in the motions. Respondent is not directed to pay these sums at this time, but the court will consider the manner of payment at the time of final orders, including the possibility of setoff against any sums awarded to

denied.

RESPONDENT'S "MOTION AS TO METHOD OF RULING AND REQUEST FOR RULING:" The motion is denied. This motion denied. This motion by respondent plainly demonstrates that respondent is not qualified to act as her own attorney in this matter.

SUMMARY OF ORDERS

1. Respondent is ordered to file no further motions, documents or materials of any kind with this court in this case unless the motions are filed by an attorney licensed to practice in this state who has been retained by respondent for this case. Any materials received will be discarded as waste, and petitioner is relieved of any obligation to respond to pro se filings by respondent.

2. The parties are directed to submit to simultaneous depositions. Respondent is ordered to retain counsel for the purpose do deposing petitioner. If no attorney is retained by respondent, petitioner need not submit to questioning

by respondent, and respondent shall forfeit and lose her right to deposition of petitioner for all time. If respondent does not submit to deposition questioning by counsel for petitioner, the court will impose penalties and sanctions as previously described in this order.

3. Both of petitioner's motions for attorney's fees are granted in the amounts requested

4. The remainder of respondent's motions which were raised for consideration by counsel for petitioner are hereby resolved as follows: (a) Motion for Protective Order, denied; (b) Motion for Sanctions, denied; (c) Objection to Hearing that Might be Requested, denied; (d) Motion for Summary Judgement, denied; and (e) Motion as to the Method of Ruling, denied.

DONE this 19th day of March, 1990.
BY THE COURT

SIGNATURE OF DISTRICT JUDGE
O. EDWARD SCHLATTER, DISTRICT JUDGE

cc: Cordova
Phelps

COLORADO COURT OF APPEALS

No. 90CA0596

In re the Marriage of	)	
	)	
GRANT MATTHEWS, a/k/a	)	
LESLIE A. JOHNSON,	)	ORDER TO SHOW
	)	CAUSE
Appellee,	)	
	)	(Trail Court No.
v.	)	86DR69)
	)	
LAURA PHELPS,	)	
	)	
Appellant.	)	

TO: Laura Phelps, appellant pro se

From the notice of appeal filed by appellant and the register of actions submitted by the Clerk of the district court, it appears that this appeal is from the trail court order dated March 19, 1990 which resolved a number of motions relating to conduct of discovery. It appears that this is not a final judgement because it does not end "the particular

action in which it is entered, leaving nothing further for the court pronouncing it to do in order to completely determine the rights of the parties involved in the proceeding." Harding Glass Co. v. Jones, 640 P.2d 1123 (Colo. 1982); D.H. v. People, 192 Colo. 542, 561 P.2d 5 (1977); Stillings v. Davis, 158 Colo. 308, 406 P.2d 337 (1965).

IT IS THEREFORE ORDERED that appellant shall show cause, if any she has, in writing on or before ay 23, 1990, why this appeal should not oe dismissed without prejudice for lack of a final appealable judgment.

BY THE COURT

Dated: May 2, 1990

Copies to: Counsel of Record
Pro se

ag

COLORADO COURT OF APPEALS
No. 90CA0596

In the Marriage of)
GRANT MATTHEWS, a/k/a)
LESLIE A. JOHNSON,)

Appellee,	)	ORDER OF
and	)	DISMISSAL
LAURA PHELPS,	)	(Trail Court No.
Appellant.	)	86DR69)

Upon consideration of appellant's response to the court's Order to Show Cause of May 3, 1990, the court determines that there is no final appealable order.

IT IS THEREFORE ORDERED that this appeal is DISMISSED without prejudice.

BY THE COURT

Dated: May 21, 1990

Copies to: Counsel of Record
Clerk of the District Court

EGR/ag

THE COURT OF APPEALS OF THE STATE OF COLORADO

Case Number 90CA0596

ORDER

In Re the Marriage of: PHELPS,

Upon consideration of the Motion to Vacate on Dismissal filed by the Appellant herein, said Motion is hereby DENIED pursuant to order dated 5-25-90. It is ordered that issuance of the Mandate hereby be, and the same hereby is, stayed to and including 6-25-90, provided that if a Petition for Writ of Certiorari is timely filed with the Supreme Court of Colorado, the stay shall remain in effect until disposition of the within cause by the Supreme Court.

Tursi, J.
Ney, J.
Dubofsky, J.

DATED: May 31, 1990

SUPREME COURT, STATE OF COLORADO
CASE NO. 90SA275
ORIGINAL PROCEEDING, COLORADO COURT OF APPEALS, 90CA0596

ORDER OF COURT

LAURA L. PHELPS,
Petitioner,
vs.
GRANT MATTHEWS a/k/a LESLIE A. JOHNSON,
Respondent,
and
CHAFFEE COUNTY DISTRICT COURT and the
HONORABLE JUDGE O. EDWARD SCHLATTER,
Respondent,
and
COLORADO COURT OF APPEALS and the
HONORABLE COURT OF APPEALS JUDGES, JUDGE
TURSI, JUDGE NEY, AND JUDGE DUBOFSKY,
Respondents.

Upon consideration of the Motion for Declaration of Invalidity of a Marriage and the Petition for Original Jurisdiction filed in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that said Motion for Declaration shall be, and the same hereby is, DENIED.

IT IS FURTHER ORDERED that said Petition for Original Jurisdiction shall

be, and the same hereby is, DENIED.

BY THE COURT, EN BANC, JUNE 25, 1990

cc: Laura L. Phelps, Pro Se
1450 S. Broadway
Denver, CO 80210

Pete Cordova
345 East First Street
Salida, CO 81201

James Benway
Clerk, County of Appeals

Honorable Dale P. Tursi
Judge, Court of Appeals

Honorable Peter H. Ney
Judge, Court of Appeals

Honorable Frank N. Dubofsky
Judge, Court of Appeals

Honorable O. Edward Schlatter
Chaffee County Courthouse
132 Crestone
Post Office Box 279
Salida, CO 81201

COURT OF APPEALS
STATE OF COLORADO
2 East 14th Avenue, #300
Denver, CO 80203

Court of Appeals No. 90CA0596
Trial Court No. 86DR69

MANDATE
(Dismissal)

IN RE THE MARRIAGE OF:

LAURA PHELPS

V.

GRANT MATTHEWS a/k/a LESLIE A. JOHNSON

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This cause came on to be heard on appeal form the District Court of Chaffee, and in consideration whereof, it is ORDERED that the Appeal is DISMISSED.

OCTOBER 15, 1990

JAMES G. BENWAY,
Clerk of the Court

35

By Marsha K. Jefferson
Deputy Court Clerk

DISTRICT COURT, CHAFFEE COUNTY, COLORADO
Action No. 86DR69

ORDER REGARDING DEPOSITIONS AND FINAL ORDERS

In re the Marriage of:
GRANT MATTHEWS, Petitioner,
and
LAURA L. PHELPS Respondent.

The court is advised that respondent in this case has sought to have this case heard in both appellate courts of this state, and refused to provide respondent with any relief, and the matter is rightfully before this trial court again.

The court is also advised that petitioner is seeking to schedule

depositions, at which time both petitioner and respondent would present themselves for this purpose. Respondent apparently objects to the setting of depositions as she has filed a written objection in the case which she filed in the federal district court. The court is not aware of any such objection filed in this state action.

The court believes that depositions in this case would probably not be productive. Respondent is not represented by counsel, and she has proven herself to be extremely difficult in matters associated with the litigation of this case. In fact, the court found itself compelled to enter an order which prohibits her from filing any additional motions in this case, an order which the court has never entered in any other case in this court's history as a judge. It is reasonable to anticipate that depositions, conducted outside the presence of the court, would degenerage into petty bickering and verbal disputes.

Therefore, the court has decided to direct the parties to conduct no

depositions of each other. Instead, the parties are directed to set this case for final orders. At the time of final orders, the parties can each direct questions to one another, and the court will be present to monitor the questioning and ensure that the circumstances not get "out of hand," so to speak.

The hearing on final orders will be exactly that, a hearing on final orders. However, the court is aware that it is denying the parties' rights to depositions, and the court will allow wide latitude to each party, the dame as if a deposition were, in fact, being conducted. The evidence will be heard and considered by the court the same as it would receive evidence in any ordinary final orders hearing.

The court is also aware that the questioning during the hearing may lead one or the other party to request a postponement of the proceedings for the purpose of pursuing other leads or discovery. If such a request is reasonable, and is supported by the evidence, it will be granted. In other

words, this final orders hearing may require more than one session, and the court is stating in advance that if will grant a second session if necessary or appropriate. In other words, if the parties require further discovery, the court will permit it, if warranted, and the final orders hearing will be reconvened at a future date.

The purpose of this order, and the purpose of this procedure, is to eliminate the problems which the ccurt is confident will arise if the parties and counsel for petitioner are confronted with the need to resolve objections and legal differences during a deposition. If the court is present for the questioning, some of the problems can at least be minimized, if not eliminated.

THEREFORE, the court directs that depositions not be scheduled by either party, and further directs that this case be set for a hearing on final orders.

DONE this 26th day of November, 1990.

BY THE COURT:

SIGNATURE OF DISTRICT JUDGE

O. EDWARD SCHLATTER, DISTRICT JUDGE

xc: Cordova (enc.)
Phelps

(Matthews/v. Phelps tr.ct.)

DISTRICT COURT, COUNTY OF CHAFFEE, STATE OF COLORADO

Civil Action No. 86DR69

BRIEF TO MOTION TO SEPARATE DISCOVERY REQUESTS FILED MAY 25, 1989

Petitioner alleges an interest in my real and and personal property, in his August 1, 1986 deposition. This claim is pursuant to his original complaint. The allegations of interest in property are without proof. If the complaint arose out of an actual marriage, and not an alleged marriage, I would be entitled to information sought. I would not have to request the information through Discovery at all had petitioner not filed this action. Nor would I have to defend his allegations.

In petitioner's August 1, 1986 deposition, and 1st set of Interrogatories, he alleged an interest in

my personal property, and alleged a partnership. If the Statutes of Limitation of Actions for recourse to this allegation has not expired, a partnership suit seeking relief could have been filed and tried as a sep rate issue within this case.

Pursuant to Colorado Statute 14-2-202, married people, particularly women, may sue and be sued by each other as if they were strangers.

With respect to alleging a partnership, and not pursuing relief under above mentioned statute, shows counsel for petitioner possibly has and is pursuing cause of action/complaint under an archaic theory of law.

Possibly in having displayed pursuit of this theory in this action, and disregard for Colo. Statutes 14-2-201, 14-2-202, 14-2-203, respondent feels she should receive and be entitled to discovery pursuant to and consistent with the; theory of law being presented by counsel to petitioner, in the allegation and assumption of marriage, and relief therefrom assumed. Though it is known the Court in hearing petitioner's original complaint, is only able to follow current

statutes regarding married women's rights recited in statutes under current law, and cannot make findings from old theories of law. Respondent prays this court allow Discovery to be supplied in full, hereby requested, from petitioner, propounded by respondent pursuant to the type of theory of law presented by petitioner's counsel in defense of petitioner's complaint.

Additionally, petitioner filed this action and respondent answered by denying complaint. The burden of supplying the documents, admissions, and interrogatories, should be in his hands. Further, through petitioner's statements in his august 1 1986 Deposition, arises the possibility of other common law marriages (se addendum brief to Motion To Continue May 25, 1989 Hearing), and brings forth the question of whether money has been paid to other women.petitioner has lived with, in the form of of maintenance or support.

Discovery requests propounded on petitioner by respondent would facilitate a defense and clarification of original complaint, and might relieve respondent from petitioner's original complaint.

Furthermore, if a marriage is found, and original plea amended, the discovery requests already propounded by respondent towards petitioner, would be relevant without question, plus additional requests for discovery for discovery will be needed to pursue maintenance from petitioner.

The reference to requests for discovery are pursuant to rule 26 Colo. Rules for civil procedure, and this brief may be considered in light of Equal Rights Amendment, Paragraph 29, Article 2, of Colorado Constitution.

Respectfully submitted,

signed Laura Phelps
1450 S. Broadway
Denver, CO 80210

(The above document was read into the record on: May 25, 1989 the"Status Conference" finding the ORDER DATED SEPTEMBER 1, 1989 was born from/ The document was filed proceeding the hearing on the same day May 25, 1989)

DISTRICT COURT, COUNTY OF CHAFFEE
STATE OF COLORADO

Civil Action No. 86DR69

OBJECTION TO EVIDENCE

In re the marriage of:

GRNAT MATTHEWS, a/k/a LESLIE A. JOHNSON,
Petitioner,

and

LAURA PHELPS,
Respondent

Respondent OBJECTS to the entry of Mr. Rand Hendrickson's Analysis Report as evidence, and as grounds for Objection, do state:

(1) Report has no probative value, due to incomplete analysis of the document regarding its age was not taken into consideration, or consideration to the possibility that writing contained in questioned document was copied from other

sources, by manner of tracing, or other copy methods. These possibilities are not precluded, by the fact that document in question has no date, was never mailed, as evidence by an envelope presented at deposition bearing no postmark. Mr. Matthews mentioned a postmark where none exists. Nor does che envelope have a return address. Reference was also made to the envelope being addressed. It is not addressed, by either street or town.

Reference to document, and statements of record, caused Mr. Hendrickson's report to have inferences of a conjectural nature.

(Dolan v. Mitchell 179 Colo., 360, paragraph 2)

(2) A conflict of interest may exist, between the examiner of the abovementioned document, Mr. Rand Hendrickson, and respondent in this case. Theory of conflict of interest is based on the new knowledge which leads to the belief of this respondent, that Mr. Rand Hendrickson and FAX Investigations contract work in the form of examining documents and

investigations regularly, from the Chaffee County Court and counsel to petitioner, Mr. Cordova.

(3) That Respondent retain the right to procure a disinterested party from possibly outside the state, if the document in question is to be examined again.

signed _____ Laura Phelps, 1450 S. Broadway, Denver, CO 80210

(The above document was read into the record on May 25, 1989 the "Status Conference" finding the ORDER DATED SEPTEMBER 1, 1989 was born from; however, number(s) (2) and (3) were not allowed to be read into the record; the document was filed proceeding the hearing on May 25, 1989).

C.R.S. 13-20-201. Legislative declaration

The remedies provided by law on or

before April 27, 1937, for the enforcement of actions based upon alleged alienation of affections, criminal conversation, seduction, and breach of contract to marry have been subjected to grave abuses, caused extreme annoyance, embarrassment, humiliation, and pecuniary damage to many persons for their unjust enrichment, and have furnished vehicles for the commission or attempted commission of crime and in many cases have resulted in the perpetration of frauds, it is hereby declared as the public policy of the state that the best interests of the people of the state will be served by the abolition thereof. Consequently, in the public interest, the necessity for the enactment of this part 2 in hereby declared as a matter of legislative determination.

END OF APPENDIX